

FORM PTO-1390  
(REV. 9-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

20740-242738

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

**10/009059**  
To Be Assigned

INTERNATIONAL APPLICATION NO.  
PCT/EP00/05127

INTERNATIONAL FILING DATE  
June 5, 2000

PRIORITY DATE CLAIMED  
June 4, 1999

**TITLE OF INVENTION RECOMBINANT FUSION PROTEIN, (VACCINE) COMPOSITION CONTAINING  
THE SAME AND METHOD FOR THE PRODUCTION THEREOF**

**APPLICANT(S) FOR DO/EO/US  
LOHMANN ANIMAL HEALTH GMBH & CO. KG**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. <b>10/0009059</b> To Be Assigned		INTERNATIONAL APPLICATION NO. PCT/EP00/05127		ATTORNEY'S DOCKET NUMBER 20740-242738	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... <b>\$1040.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>	
				\$ 890.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =	8	x \$18.00	\$ 144.00	
Independent claims	- 3 =	1	x \$84.00	\$ 84.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$ 280.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$	
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 130.00	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,528.00	
				Amount to be refunded:	\$
				charged:	\$

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 06-0029. A duplicate copy of this sheet is enclosed.

d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Paul W. Busse Faegre & Benson LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, MN 55402-3901	<div style="text-align: center;">           SIGNATURE       </div> <div style="text-align: center;">         Paul W. Busse          NAME       </div> <div style="text-align: center;">         32,403          REGISTRATION NUMBER       </div>
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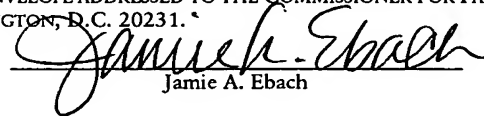
IN THE UNITED STATES PATENT OFFICE (EO/US)

International Application No.	International Filing Date	Priority Date Claimed
PCT/EP00/05127	5 June 2000	4 June 1999
Title of Invention		
RECOMBINANT FUSION PROTEIN, (VACCINE) COMPOSITION CONTAINING THE SAME AND METHOD FOR THE PRODUCTION THEREOF		
Applicant		
LOHMANN ANIMAL HEALTH GMBH & CO. KG		

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

EXPRESS MAIL LABEL NO. EL208377544US

I CERTIFY THAT, ON DECEMBER 3, 2001, THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL POST OFFICE TO ADDRESSEE SERVICE UNDER 37 C.F.R. 1.10 IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

  
Jamie A. Ebach

ATTENTION: EO/US

**TRANSMITTAL LETTER  
ENTRY INTO U.S. NATIONAL STAGE UNDER PCT CHAPTER II**

Sir:

The Applicant hereby requests that the United States Elected Office begin national stage examination procedures for the above-identified international application under 35 U.S.C. 371. Pursuant to 35 U.S.C. 371(f), it is expressly requested that these procedures commence immediately. Enclosed in connection with this request are the following documents:

1. Credit Card Payment form in the amount of \$1,528.00 for the basic national fee and other fees required for filing (1 page);
2. Transmittal Letter to the U.S. Designated/Elected Office form PTO-1390 and a duplicate copy as requested (3 pages);
3. PCT Request (5 pages) including: Form RO/101 (1 page), Specification (17 pages), Claims (5 pages), Abstract (1 page), Form RO/134 (1 page), Form DSMZ-BP/1 with attachments (7 pages), Form DSMZ-BP/4 (2 pages) and DSMZ-BP/9 (2 pages);
4. Copy of Official Filing Receipt (1 page);
5. Form PCT/RO/105 (1 page);
6. FORM PCT/RO/106 (2 pages);


7. FORM PCT/ISA/202 (1 page);
8. FORM PCT/IB/301 (3 pages);
9. FORM PCT/ISA/220 and PCT/ISA/210 (9 pages);
10. FORM PCT/ISA/213 (1page);
11. FORM PCT/IPEA/401 (4 pages);
12. FOR PCT/IPEA/402 (1 page);
13. Copy of WO 00/75345 with published ISR (7 pages);
14. FORM PCT/IB/308 (1 page);
15. FORM PCT/IPEA/408 and FORM PCT/IB/332 (6 pages);
16. FORM PCT/IPEA/409 (11 pages);
17. Copies of Response to Written Opinion filed on 4/18/2001 (10 pages);
18. Postcard.

Enclosed is our credit card payment form in the amount of \$1,528.00. In the event the amount submitted herewith is insufficient with respect to placing the application on file, the Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-0029 and is requested to notify us of the same.

Respectfully Submitted,

LOHMANN ANIMAL HEALTH  
GMBH & CO. KG

By:

  
John M. Haurykiewicz #29,311  
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Dated: 3 December 2001